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**Bidzirk, LLC Daniel Schmidt III
& Jill Patterson**

Plaintiffs

VS

Phillip J Smith

Defendant

**Civil Action #
6:06-0109-HMH-WMC**

**Grievances to be
noted for Judge
Catoe's current
actions in Bidzirk
vs Smith**

I realize the Honorable Judge Catoe understands the definition of "grievance" ... but I think it would be quite poignant to see the definition:

From Roget's Thesaurus:

grievance *n.* : an allegation that something imposes an illegal obligation or denies some legal right or causes injustice

The sheer volume of the **allegations** and examinations by the court of the recent motions to compel discovery should constitute loss of privilege for entire action and motion made by Plaintiff.

The court **DID ERR** in it's initial decision ... the issue of copyright was simply a matter of **fair use**. The court complicated the ruling by claiming Defendant's website is "News & News Commentary" and construing this meaning of the Lanham Act to be anything **MORE THAN FAIR USE** (although essentially this ruling bestowed an honor upon Defendant's website, lending even more credibility to Defendant's right to publish the article.)

My stories are well researched and checked and rechecked for facts. For the court to dishonor my writing abilities in such a humiliating and emotionally draining trial is very disheartening. I was recently published in a book called **Digital Culture** which will see an initial printing of 100,000 copies. Over the past year and half I have found it difficult to write with a lot of passion.

I want to make it VERY CLEAR that I have complied with all of the Judge's orders as he has given them to me. It is obvious from the maliciousness of the Plaintiff attorney's actions that this litigation's **SOUL PURPOSE** is harassment. It is meant to ruin me financially; it is meant **solely** to bully.

How dare the Plaintiff attorney say that I [have a lot of nerve] suggesting that the Judge is out of his league or jurisdiction or that there may be some sort of favorable treatment being given to Plaintiff counsel. The Plaintiff attorney has insulted the court on multiple occasions by appealing the initial ruling and questioning the lis pendens removal with a diatribe of meaningless case studies. NO ATTORNEY that I have consulted with understands why this case has not come to a hearing for dismissal. (I am still unrepresented, but must occasionally pay for or seek out some advice.)

I am displeased with the Judge ridiculing me in court (with it's only purpose to balance out anger for the Plaintiff) for chewing gum. I have immense respect for the court and would NEVER dishonor any Judge.

From what I have been able to gather ... this case, if won by either party, will have no bearing on precedent. With such an important issue at hand that could affect

hundreds or possibly thousands of future rulings - this case seems to be in the wrong jurisdiction. It also appears as if The "advisory to Judge Herlong" is awkward and unfair to the Defendant, as I cannot plea directly to the "final ruling Judge". It appears as if the intent of this case (by the Plaintiff) is to confuse and confound the court and the Defendant with paper work and procedural non sense.

The court has allowed severe abuse of discovery in this case without sanction or reprimand. I was physically threatened at a deposition. I am being constantly financially threatened, and the verbal abuse is unprecedented in such a small case according to several advisors I have worked with.

In the last hearing, my future was threatened when the attorney essentially stated that his client would carry this litigation into perpetuity until satisfied. My father's life was threatened when the Plaintiff attorney said, "He could inherit money". My father is old. This made me think that the Plaintiff plans to stress my family so much over this so as to potentially kill them, just so they can attach assets. It also made me wonder if the Plaintiff may just decide to knock off my father or me just to smile. My father has since revoked a trust that I had; permanently. This has caused me a great deal of stress as I depend on my father for financial advice and for borrowing money due to my low credit score and unbalanced income.

I am sick of the falsifications the Plaintiff is being allowed to make without impunity. The Plaintiff attorney makes accusations that I have had paper work in possession for more than a year. With Your Honor rejecting most arguments as harassment, vague, or irrelevant - which of opposing counsel's THREATS AND LIES are the court and I to take seriously? And why isn't Your Honor reviewing this case more thoroughly to make notes of such contemptuous, libelous, slanderous actions?

I am self employed ... this court has asked me to defend a multi-million dollar lawsuit. Such a lawsuit (if I had obtained a competent attorney) would now be in the upper 6 figures to defend. [see attached] Instead I have had to dedicate time which I do not have, money that I do not have ... to this litigation. It's absurd. How dare THE COURT put this burden on me!

Because this case is not in the appropriate jurisdiction ... I can not find *Pro Bono* attorney help due to the complexity, severity of paperwork, and lack of technological understanding. No *Pro Bono* attorney wants to accept the case because of the already seemingly unfair treatment I have received ... as they fear they could lose because the court does not understand the issue at hand. They also won't defend anyone in a lowly Magistrate Court stating, "the average case handled there is bounced checks and drug offenses". Furthermore, all attorneys consulted with say I am better off *Pro Se* simply for the absurdity of the Plaintiff's claims. Advising attorneys claim they would feel ashamed taking my money - especially now that the court has denied (although erringly) my counterclaims.

I, *Phillip Smith*, aged 33 am young. Before this action with Bidzirk I was on track to:

1) **Get married.** I cannot do so or even pretend to be in a serious relationship when I have a multi-million dollar lawsuit hanging over me. This has caused me a lot of stress and has cost me one relationship.

2) **Seek out investments** for two inventions and develop those inventions. I have not been able to seek out any more capital as I cannot realize any asset that the Plaintiff's may be able to attach.

3) **Seek out investments and develop** with clients a retail store and "creative complex". Again, I would not even discuss the possibility of investments fearing it could be attached.

4) **Move out of my condominium** and into a house that would better suit my home based business and writing career. I was not able to sell my condo for 14 months because of the "illegal *lis pendens*" - no attorney can understand why the Plaintiff was not sanctioned or why I was not granted a judgement.

I am being put under an enormous burden by this court. While I mean everything I say here in this grievance I want the court to know I respect the decisions it makes, but I cannot hold on to my sanity, while the court makes no effort to bring this case and this harassment to a proper close.

Philip Smith

A handwritten signature in black ink, appearing to be 'PS' with a large, stylized flourish.